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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LANIER, BENJAMIN E

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,449

Applicant(s)

COFTA, PIOTR

Examiner

Benjamin E Lanier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,14-23 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-11,14-23 and 26-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed 12 August 2005 amends claims 1, 4, 5, 10, 11, 14, 15, 20-23 and cancels claims 2, 12, and 24. Applicant's amendment has been fully considered and is entered.

### ***Response to Arguments***

2. Applicant's arguments filed 12 August 2005 have been fully considered but they are not persuasive. Applicant's argument that Geiger does not disclose authenticating the control point between the token and the token issuer is not persuasive because Geiger discloses that the merchant server is authenticated between the client wireless device and the validation server (Col. 13, lines 13-17). The merchant server/web server meets the limitation of the control point. The client wireless device meets the limitation of the token. The validation server, which is also the certificate authority (Figure 4 & Col. 12, lines 19-21), creates public key certificates and license certificates for client wireless devices at the time of manufacturing (Col. 3, lines 9-17). Therefore, the validation server/certificate authority meets the limitation of the token issuer because it is part of the manufacturer. Applicant's assertion that the repair shop of Geiger (Col. 7, lines 4-5) was intended to be the token issuer is incorrect because the previous Office Action cites the above section of Geiger to disclose that these client wireless devices are in fact issued. A person of ordinary skill in the art would recognize that these client wireless devices, when issued, are issued by a manufacturer through a service provider (i.e. Cingular, Verizon, etc.).

3. Applicant's assertion that the certificate authority of Geiger was intended to read on applicants control point is not persuasive because the previous Office Action never made this

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correlation. As mentioned above, the merchant server/web server meets the limitation of the control point. The client wireless device transmits user information to the web server to process the transaction (Col. 3, lines 33-38), which meets the limitation of the control point authorizing said action based on information provided by said token.

4. Applicant's argument that Geiger does not disclose the limitations of claim 9 is not persuasive because in addition to the previously mentioned subject matter of Geiger, the merchant server contains a certificate which identifies whether it has been authorized by the certificate authority, and the client wireless device receives this certificate from the merchant server (Col. 13, lines 27-65).

5. Applicant's argument that Geiger does not disclose information being obtained by a token is not persuasive because a digital certificate is delivered from the attribute authority/merchant server/web server to the wireless device, the attribute authority is verified to the wireless client device using the digital certificate (Abstract).

6. Applicant's argument that the limitations of claim 21 are not met by Geiger is not persuasive because Geiger discloses that the wireless network certificate system has an operator (Col. 1, lines 34-45), which meets the limitation of a control point operator approving said control point. The authority server maintains a database that stores certificate and license information along with user information (Col. 8, lines 28-45), which meets the limitation of storing data about said control point in a database, and said authenticating of the control point comprises comparing said data with said information from said token, storing data about said token in the database, authenticating comprises comparing said data and said information from said token.

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7. Applicant's argument that Geiger does not disclose the limitations of claim 31 is not persuasive because Geiger discloses that the client device contains a SIM card that contains user and device information (Col. 11, line 64 – Col. 12, line 8), which meets the limitation of a card that connects with said communication portion, said card containing information regarding one of said device and said user.

8. Applicant's argument that Geiger does not disclose the limitations of 8, 18, 28, is not persuasive because Geiger discloses that the action is user access of software, service or other content item (Abstract), which meets the limitation of action comprising access control.

9. Applicant's argument that current amendments to claim 22 have rendered the claim definite is not persuasive because claim 22 recites "said authentication" which renders the claim vague and indefinite because claim 20, from which claim 22 depends, has two authentications: Authentication of an action, and authentication of a control point. Similarly to claim 19, claim 22 needs to specify to which authentication is being referred.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Claim 22 recites the limitation "said authenticating" which renders the claim vague and indefinite because it is unclear whether the claim is referring to the authentication of the control

point or the token. For the purposes of examination the claim will be treated as the authentication of the token.

*Claim Rejections - 35 USC § 102*

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1, 4-11, 14-23, 26-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Geiger, U.S. Patent No. 6,463,534. Referring to claims 1, 6, 9, Geiger discloses a secure wireless electronic commerce system wherein a certificate authority is accessible by a mobile wireless client device (Abstract, Fig. 1), which meets the limitation of a token being a mobile wireless communication device. A digital certificate is delivered from the attribute authority to the wireless device, the attribute authority is verified to the wireless client device using the digital certificate (Abstract), which meets the limitation of using the token to authenticate said control point to perform the action, notifying said user whether said control point has authorization for said action. To perform the transaction the wireless device transmits a certificate to the attribute authority that verifies the device (Col. 18, lines 62-68), which meets the limitation of using the token to authenticate the user to the control point to perform the action using the control point, control point authorizing said action based on information provided by said token. Geiger discloses that mobile wireless communication devices are issued to the users (Col. 7, lines 4-5),

which meets the limitation of a token issuer issuing said token to said user, and wherein said authenticating the control point occurs on-line between said token and said token issuer.

Referring to claims 4, 5, Geiger discloses that the mobile wireless communication device communicates with the issuer via a wireless communication path (Col. 10, line 38 – Col. 11, line 10), which meets the limitation of mobile communication device communicates with said token issuer using a wireless communication path.

Referring to claim 7, Geiger discloses that the transactions are electronic commerce transactions (Col. 1, lines 6-11), which meets the limitation of a financial transaction.

Referring to claim 8, Geiger discloses that the action is user access of software, service or other content item (Abstract), which meets the limitation of action comprising access control.

Referring to claims 10, 11, 16, 19, 20, a digital certificate is delivered from the attribute authority to the wireless device, the attribute authority is verified to the wireless client device using the digital certificate (Abstract), which meets the limitation of the token obtaining information regarding said control point, the token authenticating said control point based on said information, information is obtained by presenting a token which performs authentication of said control point, notifying a user whether said control point has authorization for said action. To perform the transaction the wireless device transmits a certificate to the attribute authority that verifies the device (Col. 18, lines 62-68), which meets the limitation of using the token to authenticate the user to the control point to perform the action using the control point, control point authorizing an action based on information provided by said token. The user device is a mobile wireless client device (Abstract, Fig. 1), which meets the limitation of the token is a mobile communication device. Geiger discloses that mobile wireless communication devices are

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issued to the users (Col. 7, lines 4-5), which meets the limitation of a token issuer issuing said token to said user, and wherein said authenticating the control point occurs on-line between said token and said token issuer.

Referring to claims 14, 15, Geiger discloses that the mobile wireless communication device communicates with the issuer via a wireless communication path (Col. 10, line 38 – Col. 11, line 10), which meets the limitation of mobile communication device communicates with said token issuer using a wireless communication path.

Referring to claim 17, Geiger discloses that the transactions are electronic commerce transactions (Col. 1, lines 6-11), which meets the limitation of a financial transaction.

Referring to claim 18, Geiger discloses that the action is user access of software, service or other content item (Abstract), which meets the limitation of action comprising access control.

Referring to claims 21, 22, Geiger discloses that the wireless network certificate system has an operator (Col. 1, lines 34-45), which meets the limitation of an control point operator approving said control point. The authority server maintains a database that stores certificate and license information along with user information (Col. 8, lines 28-45), which meets the limitation of storing data about said control point in a database, and said authenticating of the control point comprises comparing said data with said information from said token, storing data about said token in the database, authenticating comprises comparing said data and said information from said token.

Referring to claims 23, 29, 30, 32, a digital certificate is delivered from the attribute authority to the wireless device, the attribute authority is verified to the wireless client device using the digital certificate (Abstract), which meets the limitation of a wireless communication



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portion that obtains information regarding said control point and communicates wirelessly with an external entity to authenticate said control point based on said information, notifying said user whether said control point has authorization for said action. To perform the transaction the wireless device transmits a certificate to the attribute authority that verifies the device (Col. 18, lines 62-68), which meets the limitation of authenticate the user to the control point to perform the action using the control point, communication portion is temporarily coupled to said device. The user device is a mobile wireless client device (Abstract, Fig. 1), which meets the limitation of a user interface portion, coupled to said communication portion, to indicate a result a result of said authentication of the control point to a user, wherein the device is a mobile communication device, user interface portion comprises a display device. Geiger discloses that mobile wireless communication devices are issued to the users (Col. 7, lines 4-5), which meets the limitation of a token issuer issuing said token to said user, and wherein said authenticating the control point occurs on-line between said token and said token issuer.

Referring to claim 26, Geiger discloses that the mobile wireless communication device communicates with the issuer via a wireless communication path (Col. 10, line 38 – Col. 11, line 10), which meets the limitation of mobile communication device communicates with said token issuer using a wireless communication path.

Referring to claim 27, Geiger discloses that the transactions are electronic commerce transactions (Col. 1, lines 6-11), which meets the limitation of a financial transaction.

Referring to claim 28, Geiger discloses that the action is user access of software, service or other content item (Abstract), which meets the limitation of action comprising access control.

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Referring to claim 31, Geiger discloses that the client device contains a SIM card that contains user and device information (Col. 11, line 64 – Col. 12, line 8), which meets the limitation of a card that connects with said communication portion, said card containing information regarding one of said device and said user.

### *Conclusion*

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

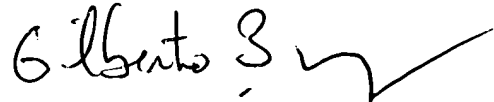
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Benjamin E. Lanier



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